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# Written statement* submitted by Tamil Uzhagam, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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# Curtailment of right to peaceful assembly in TamilNadu*

TamilNadu, a southern state in the Indian Union is home to 80 Million Ethnic Tamils. The people of Tuticorin District in TamilNadu have been protesting for the past 15 years against the Sterlite copper smelting plant run by Vedanta Limited. The Copper smelting plant has been setup in an ecologically sensitive zone and is functioning amidst numerous violations. It has been the cause of land, water and air pollution and the people in the surrounding villages have been affected severely by the plants operation. The Madras High court even ordered for the shutdown of the plant in 2010 after it scrutinizing all the evidences. [1] But the Supreme Court gave permission for the plant to continue operation of the plant with a fine of 100 crores for the environmental damage it has done. [2] But the people and children in the surrounding villages continue to suffer till date by the pollution caused by the plant.

Fresh protests renewed in 2018 followed by the proposal to expand the copper smelting units. Peaceful protests have been happening for the past 100 days demanding a shutdown of the plant.[3] On March 24, 2018 over 50,000 people gathered peacefully and showed their opposition to the disastrous copper smelting plant. [4] This absolute nonviolent protest has been dealt with disproportionate violence for the past two days. On the eve of 100 days of protest, May 22 2018, the people of Tuticorin planned to protest in front of the commissioner office. When they gathered in front of the commissioner office, the massive police force already deployed resorted to lathi charge and tear gas. The peaceful protesters were then chased to an open ground and then shots were fired with the sole aim of injuring them lethally. One of the police was caught on camera saying that ***"At least one should die today".*** In the police violence around 12 people, including a 17 year old school student were killed and more than 70 injured fatally and hospitalized. [5]

In a report submitted to the UN Human rights council in 2012, the former special rapporteur on peaceful assembly and association, Maina Kiai has clearly defined what constitutes a peaceful assembly and association and its importance for a functioning democracy: "*An "assembly" is an intentional and temporary gathering in a private or public space for a specific purpose. It therefore includes demonstrations, inside meetings, strikes, 8 processions, rallies or even sits-in. Assemblies play a vibrant role in mobilizing the population and formulating grievances and aspirations, facilitating the celebration of events and, importantly, influencing States' public policy*". Contrary to this the Indian government has been constantly classifying protest by people as unlawful assembly and justified using excessive force on the peaceful gathering.

The "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 states that *"In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary."* The police rulebook in India also clearly states that to disperse an unlawful assembly first mild lathi charge and tear gas should be used. If that fails then water cannons should be employed. Only as a last measure police should resort to use of fire arms. That too the police should issue sufficient warning to the crowd, fire warning shots in the air and even when firing at the mob they should fire below the hip as deterrence. But in reality none of these rules are being followed. Even in this case, firepower has been used indiscriminately on unarmed peaceful protesters with the sole intention of causing loss of life. All the victims have been shot in the chest or head. [6]

Spine-chilling videos of police men who were not even in uniform, using sophisticated weapons against unarmed civilians emerged in the media.[7] Soon the media were forced to stop coverage of the incident. Road and train transport to and from the district was blocked. Nearly 2000 policemen from the nearby district were moved to Tuticorin district.[8] The police even went to the extent going to the hospital and attacking and harassing the injured.[9] The police had gone to the surrounding villages and involved in arson. It's not the first time that the TamilNadu police are indulging in such acts. During the 2017 Pro-Jallikattu protests, the police conducted similar atrocities on peaceful demonstrators. [10]
Today on May 23, 2018 fresh violence was unleashed on the family of those who were killed in the police atrocities. They had gathered in the Tuticorin government hospital and opposed the attempt by the government to cover-up the cold blooded murder by conducting autopsy without any witness. The police took control of the hospitals and autopsy was conducted. When the protests intensified the police again resorted to firing and one more person has been murdered in cold blood.[11]

Activists, lawyers and political leaders have not been allowed to visit the affected areas. They have been permitted to only visit the Government hospitals. So the real situation on the ground remains largely unknown.

The government is now resorting to cutting off the internet connection to Tuticorin district and two of its surrounding districts Nellai and Kanyakumari. Over 6.7 Million people living in these districts are now devoid of internet service and thus cutoff from effective communication.[12] The central government has also announced that para military forces will be deployed in these districts.[13] Facebook pages of activists who have been voicing in support of the protesting people have been blocked at the behest of the government. This repression is only a precursor to a massive violence that will be let loose on the innocent civilians.

In a similar incident in 2011, the police blocked all the roads to villages Koodankulam and idindhakarai which were protesting against the nuclear power plant, terminated power supply, prevented journalists from various national media to from entering into the villages and forced journalists to leave the villages. Reporters sans frontiers came out in support of people and condemned the state actions.

Tamil Nadu has been the victim of the Indian Government's policies in the recent years. Every time peaceful protesters are subjected to repressive state measures. We request you to take note of the situation and interfere and pressurize to the respective authorities to stop the police atrocities immediately, repeal the police forces from the Tuticorin district and ensure the safety and security of the people of the district of Tuticorin, TamilNadu. In 2016 Special Rapporteur Kiai visited US following the persistent conflict between the police and Black Lives matter and other social movements. Similarly we request you to visit or send a representative immediately to TamilNadu to conduct an inquiry into the repressive measures employed by the Indian state.

Links:


1. https://www.news18.com/news/india/vedanta-blow-349379.html
2. https://economictimes.indiatimes.com/markets/stocks/news/sc-stays-madras-hc-order-for-closure-of-sterlites-plant/articleshow/6664315.cms
3. https://www.indiatimes.com/news/india/11-killed-in-police-firing-why-people-in-tuticorin-are-angry-about-expansion-of-copper-plant-345956.html
4. https://countercurrents.org/2018/03/31/thousands-march-against-sterlite-plant-in-tuticorin/
5. https://www.ndtv.com/tamil-nadu-news/anti-sterlite-protest-at-least-1-should-die-how-cops-handled-protests-that-killed-11-1856107
6. https://www.deccanherald.com/national/anti-sterlite-protests-turn-violent-thoothukudi-671164.html
7. https://timesofindia.indiatimes.com/city/madurai/those-who-fired-were-not-in-uniform-peoples-watch/articleshow/64279666.cms
8. https://www.indiatoday.in/india/story/tuticorin-sterlite-plant-protests-tamil-nadu-aiadmk-dmk-1238610-2018-05-22
9. https://www.youtube.com/watch?v=3QLyvCeaZMo
10. https://www.livemint.com/Politics/ebyvzO6Yu13e3bX4Y0qsjN/Jallikattu-Police-unleashed-violence-say-Chennai-residents.html
11. https://www.deccanherald.com/national/tn-govt-shunts-out-tuticorin-district-collector-police-chief-671430.html
12. http://www.newindianexpress.com/states/tamil-nadu/2018/may/23/sterlite-protest-tamil-nadu-orders-internet-suspension-for-five-days-in-three-southern-districts-1818574.html
13. https://www.nationalheraldindia.com/india/live-updates-nine-dead-in-police-firing-in-sterlite-protests-in-toothukudi-tamil-nadu


*Tamil Movement (Suisse) and May 17 Movement (Tamil Nadu), NGOs without consultative status, also share the views expressed in this statement.